



Appeal Decisions

Site visit made on 28 May 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal 1: Ref: APP/Q5300/W/19/3220028 765 Green Lanes, Southgate N21 3SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990, each against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Griffin, Mara Build Ltd against the decision of Enfield Council.
 - The application Ref is 18/01683/FUL, dated 26 April 2018, and was refused by notice 10 July 2018.
 - The development as set out in the application form was originally described as *rear and rooftop extensions to accommodate three additional residential units over first, second and third floor levels, together with reinstatement of historic roofline to Green Lanes and elevational improvements. Associated refuse and cycle storage. Advertisement consent for extension of existing fascia sign around corner into Station Road.*
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Appeal 2: Ref APP/Q5300/W/19/3220314 765 Green Lanes, Southgate N21 3SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990, each against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Griffin, Mara Build Ltd against the decision of Enfield Council.
 - The application Ref is 18/03667/FUL, dated 21 September 2018 and was refused by notice dated 27 November 2018.
 - The development as set out in the application form was originally described as *rear and rooftop extensions to accommodate three additional residential units over first, second and third floor levels, together with reinstatement of historic roofline to Green Lanes and elevational improvements. Associated refuse and cycle storage.*
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Decisions

1. Both Appeal 1 and Appeal 2 are dismissed.

Procedural Matters

2. As set out above there are two appeals relating to this site. They differ in relation to the internal configuration of the flats and the size of the proposed extensions. Appeal 1 would retain the existing two 3-bed flats and would create three new flats in the proposed extensions. Appeal 2 would reduce the size of the two existing flats and incorporate them into the proposal together with extensions smaller than in Appeal 1, resulting in five flats. I have considered

each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

3. The description of development in the heading above for Appeal 2 has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not been changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, I am satisfied that the proposal is to reconfigure the existing two flats and create a total of five flats incorporating the proposed extensions and I shall deal with the appeal on that basis.
4. The application form for Appeal 1 also included a reference to advertisement consent for fascia signage. The appellant has confirmed that an application for advertisement consent was dealt with as a separate matter and is not the subject of this appeal.

Main Issues

5. The main issues in both appeals are the effect of the proposed development on:
 - the character and appearance of the host building and of the local area; and
 - the living conditions of the occupiers of neighbouring properties.
6. In relation to Appeal 1 only, there are two additional main issues being:
 - Whether future occupiers would be likely to experience acceptable living conditions in terms of outlook and/or light; and
 - the density of the development.

Reasons

Character and Appearance

7. The appeal site is at one end of a traditional three storey terrace with commercial uses on the ground floor and mostly residential accommodation above. It is on the corner of the junction of Green Lanes (a busy main road) and Station Road, a quieter residential street. The host building steps down from three storeys to one storey along the Station Road frontage. Station Road is characterised by pairs of semi-detached houses.
8. The Appeal 1 scheme proposes that the two existing flats would be retained, and three new flats would be created. The Appeal 2 scheme would create five flats by incorporating the floorspace of the existing flats together with extensions which are smaller than proposed by the Appeal 1 scheme. The external appearance of the top floor extension facing Green Lanes in Appeal 1 is more box-like than the extension in the Appeal 2 scheme which has a "chamfered" roof line. The first-floor extension on the Station Road Frontage would be the same in both proposals, but the second-floor extension and new floor in the Appeal 1 scheme would be larger than in the Appeal 2 scheme. Both schemes have a new gable upstand and a domed structure on the Green

Lanes frontage, which both parties describe as a reinstatement of the historic roof line. I do not consider that the roofline of the terrace would be reinstated and return to this point below

9. When viewed from Green Lanes, the Appeal 1 roof extension would be visible behind the gable upstand and in view of its shape on the side facing No 761-763 Green Lanes, would appear incongruous within the roof line of the terrace. Appeal 2 reduces the roof shape on that side, to match the angle of the gable upstand. In that regard, the Appeal 2 scheme is acceptable. I find that the Appeal 1 fourth floor roof extension over the existing flats would be detrimental to the character and appearance of the host building and of the terrace within which it lies by reason of its bulk and incongruous appearance against the existing roof line of the terrace.
10. The effect of both proposals is greatest on the Station Road and Broadway Mews elevations. In the Appeal 1 scheme, the new floor to create flat 5 and most of flat 4, and the new second floor to create flat 2, results in a structure which would dominate the neighbouring property at No. 761-763 when viewed from Broadway Mews. The incongruous shape of the fourth-floor roof referred to above, would be even more obvious when viewed from Broadway Mews. In addition, the scale of the extensions would dominate the residential property at 1a Station Road.
11. The Appeal 2 scheme has been designed to reduce the bulk of the Appeal 1 extensions. The "chamfering" of the fourth-floor roof does reduce the incongruity of the roof shape in the Appeal 1 scheme, it still results in a bulky addition well above the roof line of its neighbour. This would unbalance the terrace when viewed from Broadway Mews. The reduction of the extensions at second and third floor are an improvement on the bulk of the Appeal 1 scheme but together with the new fourth floor, the resulting building would still dominate the neighbouring properties at 1a Station Road and the rear of No 761-763 Green Lanes.
12. I accept that the proposed gable upstand and the dome would be typical of a building of this age and design and have regard to the evidence of the former appearance of the building. Although both parties refer to the reinstatement of the historic Green Lanes roof line, in reality, it is only the roof line of the host building which would be reinstated.
13. The existing roof line of the terrace is punctuated by the features at No 747 in the centre and at No 727 at the far end of the terrace from the appeal site but these are original features. The extensions to these properties are not visible from street level and have no impact on the appearance of the terrace.
14. I understand the Council's point that development on the appeal site cannot be a "bookend" because there is nothing to balance it at the other end of the terrace. As noted above, that is especially the case in relation to the Appeal 1 scheme which I have concluded would be incongruous. However, in relation to the gable and dome, I agree with the Appellant's design and access statement that the appeal site on the prominent corner of the terrace appears incomplete. For those reasons, I agree that the gable and dome elements of both schemes are not out of character with the terrace and would be appropriate on the host building.

15. The policies of the London Plan (Policy 7.4 – Local Character), the Core Strategy (CP30) and the Development Management Document (primarily DMD8) all require that development should respect the character of the area whilst seeking to optimise the provision of housing. Specifically, Policy DMD8 requires that new residential development will only be permitted where it is appropriate in terms of scale bulk and massing. Policy DMD13 deals with roof extensions and requires that they are in keeping with the character of the property and are not dominant when viewed from the surrounding area. In view of my view that both schemes would produce development which is harmful to the character and appearance of the area, I conclude that both the Appeal 1 and the Appeal 2 schemes conflict with the Local Plan policies and Policies DMD8 and DMD 13 in particular, by reason of the excessive bulk of the extensions which unacceptably interfere with the roof line of the terrace and have an overbearing effect on neighbouring properties. I acknowledge that the Appeal 2 scheme is smaller and that the reduced roof shape on the Green Lanes frontage is acceptable, but the bulk of the extensions on the Broadway Mews and Station Road frontages remains unacceptable for the reasons set out above.

Living conditions

16. One of the criteria for general standards for new residential development (Policy DMD8) is that the development should preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. Both parties have indicated that the occupiers of the flats in the upper floors of the property at No. 761-763 are likely to be affected by the proposed development.
17. I see from the sunlight studies that the Station Road frontage of the appeal site faces north so that the proposed development would not block direct sunlight to the habitable rooms at the rear of the neighbouring flats. However, the existing building does extend some 3m beyond the rear façade of the neighbouring property. Both the Appeal 1 scheme and the Appeal 2 scheme would extend the host property in length and more importantly by a considerable height. The effect on living conditions for the occupiers of the flats would be to create an unacceptable enclosing effect and which would have the effect of reducing natural light in the rooms at the rear of the neighbouring flats. I have considered the appellants point that the neighbouring flats would have views over the gardens of the properties in Station Road, but these views would be oblique and would not give adequate relief from the overbearing nature of either of the appeal schemes.
18. In relation to Appeal 1 only, the Council is concerned about the proximity of the two street trees in Station Road to the windows of flats 1 and 3 (being parts of the existing flats) and flat 2 in the first-floor extension. I take the appellant's point that the tree outside proposed flats 1 and 3 would have no more of an impact on those flats than it does on the existing flats. If the impact of the tree is to be regarded as unacceptable for the new flats, the fact that it affects the existing flats is no reason to ignore the impact. However, from the shape of the tree, it would appear to have been lopped on one side to keep it away from the existing windows. I saw on my site visit that there was adequate space between the windows and the branches of the tree so that natural light in the habitable rooms of the flats would not be unacceptably reduced. I have no reason to suppose that the impact of this tree on the living conditions of the future occupiers of new flats 1 and 3 would be unacceptable.

19. The tree which would be outside the flat 2 windows is bigger and bushier than the other. However, it is at the end of the site, on the corner with Broadway Mews and would affect one window and part of a second to the open plan living room and kitchen which has a third window unaffected by the tree and a fourth window on the western elevation. I do not consider that the tree would unacceptably affect the living conditions of the future occupiers of flat 2.
20. I conclude that the overbearing effect of the development proposed by both appeal schemes on the adjoining properties, would be contrary to Policy DMD8.

Density of the development

21. The Council's decision notice on Appeal 1 refers to the density of the development being evidence that the proposal is over development of the site. Policy 3.4 and Table 3.2 of the London Plan provide a residential density matrix in relation to local context and public transport. By reference to that table, the appeal proposals would produce a higher density (calculated by habitable rooms per hectare) than envisaged by the matrix. However, the Council does recognise that this matrix is to be used for the purposes of preliminary assessment rather than as a determinative tool. The policy seeks to optimise housing potential and requires that local context and character should be taken into account together with the density range shown in the matrix. The site is well connected to transport provision and a net increase of three flats in this local area would not detrimentally affect the density of development to any appreciable degree. Consequently, the proposed density of development proposed in Appeal 1 is such that it would not result in an "over development" of the site and there is no conflict with London Plan Policy 3.4 in this regard.

Other Matters

22. The appellant has referred me to the Draft London Plan in relation to the density issue raised. The Examination of the Plan is in progress and given the stage of preparation which the emerging plan has reached, I afford the emerging policies little weight.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal 1 and Appeal 2 should be dismissed.

INSPECTOR

Jan Hebblethwaite